

July 19, 2005

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, July 19, 2005 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Lieu, Mauno, Nowatka, Scotto, Witkowsky and Mayor Walker.

Absent: Councilmember McIntyre.

Also Present: City Manager Jackson, City Attorney Fellows
City Clerk Herbers, and other staff representatives.

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Agenda Item 17 was considered out of order at this time.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator, and 17B) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code Sections 54957.6 and 54956.8.

The Council reconvened in Council Chambers at 7:02 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

Councilmember Witkowsky gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Mauno moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Lieu, and passed by unanimous roll call vote (absent Councilmember McIntyre).

MOTION: Councilmember Mauno moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Lieu and passed by unanimous roll call vote (absent Councilmember McIntyre).

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that Agenda Item 15A had been withdrawn.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Walker asked that the meeting be adjourned in memory of Lucile Brown, mother of former Torrance Councilman L. Douglas Brown, who passed away July 13, 2005.

7. CONSENT CALENDAR

7A. AMENDMENT TO CONTRACT SERVICE AGREEMENT RE ARTESIA BOULEVARD LANDSCAPE IMPROVEMENTS

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve an amendment to a contract service agreement with Berryman and Henigar, Inc. (C2004-163) in the amount of \$30,000, for a total of \$104,735 and extend the term to August 31, 2005 for construction inspection services in conjunction with the Artesia Boulevard Landscape Improvements; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7B. CONSULTING SERVICES AGREEMENT RE PREPARATION OF 2005 URBAN WATER MANAGEMENT PLAN (UWMP)

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Approve a consulting services agreement with PSOMAS, a California Corporation, in an amount not to exceed \$40,000 to prepare the City's 2005 Urban Water Management Plan; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7C. FY 2005-06 CLAIM FOR TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDS

Recommendation

Recommendation of the **Acting Transit Director** that City Council authorize the City Manager to execute and the Transit Department to submit the annual claim to the Los Angeles County Metropolitan Transportation Authority (Metro) for \$5,073,431 in Transportation Development Act (TDA) funding and \$510,878 in State Transit Assistance (STA) funding for the Torrance Transit System in Fiscal Year 2005-2006.

MOTION: Councilmember Witkowsky moved for the approval of Consent Calendar Items 7A, 7B and 7C. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember McIntyre).

11. ADMINISTRATIVE MATTERS

11A. LIMITATION ON PERSONAL LOANS TO FINANCE CAMPAIGNS

Recommendation

Recommendation that the City Council adopt an ordinance that will impose a limitation on the amount of money a candidate for city elective office may personally lend to his or her campaign. The proposed ordinance establishes a cap of \$30,000 on the outstanding balance of personal loans at any given time.

Councilmember Scotto suggested that this item be delayed until the full Council was present.

Mayor Walker indicated that he favored moving forward, noting that if the Council was unable to reach a consensus, the matter could be brought back.

Mayor Walker noted that this item was in response to his request last week that the City consider adopting an ordinance paralleling existing provisions of state law limiting the amount of money a candidate may lend his or her campaign.

Dee Hardison, 236th Street, voiced her opposition to the proposed ordinance, maintaining that it would discourage citizens from running for elective office in Torrance. She explained that it is very common for candidates to loan themselves money, noting that in the 2000 City Council election, 46% of all money raised was from loans, 90% of which was personal loans, and in the 2002 City Council race, 50% of money raised was from loans. She stated that the loans ranged from \$250 to \$30,100, with most of the loans between \$8,000 and \$20,000, so she saw no need for a limit on personal loans for City Council elections.

Ms. Hardison contended that Mayor Walker's motive for proposing this limitation was to limit the use of personal loans for the mayor's race. She stated that Mayor Walker loaned his campaign \$100,000 when he ran for mayor three years ago and now he was trying to prevent anyone else from doing exactly what he did, which does not seem fair.

Ms. Hardison noted that the first campaign finance ordinance was adopted at the City Council meeting of October 25, 1994, during which there was discussion of the need for spending limits, however, this issue has never been addressed. She recommended that a voluntary spending limit of \$100,000 for the mayor's race and \$50,000 for council races be put into place by ordinance, with incentives included to encourage compliance because spending limits can only be voluntary.

Tom Brewer, Evalyn Avenue, expressed concerns about the timing of this item, contending that such an important issue should not be decided when so many people are on vacation. He stated that limiting personal loans is only one aspect of campaign financing and voiced support for implementing a voluntary spending limit of \$50,000 for all campaigns in Torrance.

David Hensler, Singingwood Drive, stated that he was strongly opposed to the proposed personal loan limitation because it would only benefit those who already have a lot of money in their campaign fund. He maintained that the only way to level the playing field would be to place a cap on campaign spending.

Rick Marshall, resident, voiced his opinion that this issue should be studied before any action is taken and questioned why the figure of \$30,000 was selected as opposed to \$20,000 or \$50,000. He expressed concerns that the proposed limitation would only affect challengers and indicated that he supports full disclosure of campaign spending and letting voters decide rather than placing an arbitrary limit on personal loans. He stated that now that the City's election has been consolidated with the statewide primary as a result of Measure T, the cost to campaign will increase making it impossible to get elected spending only \$30,000.

Mayor Walker clarified that the proposed limitation only affects how much a candidate can be reimbursed from contributions after the campaign is over and candidates would still be able to fund their campaigns with personal funds to any extent they wish.

Linda Gottshall-Sayed, Donora Avenue, stated that she was opposed to the proposed limitation on personal loans because it would benefit only those candidates who are funded by special interests. Noting that Councilmember Scotto is the only one who has announced his intention to run for mayor, she related her understanding that

Mayor Walker has funded his campaigns largely by special interest money, while Councilmember Scotto has funded his campaigns through personal contributions. She voiced her opinion that it is laudable when candidates fund their campaigns with personal contributions, either by individual contributions or their own funds, because they don't owe anyone anything after they are elected. She characterized the Mayor's proposal as an attempt to change the rules after the game has begun.

Frank Rizzardi, Carlow Road, noted that he is a 42-year resident of Torrance and has served on various commissions over the past 26 years. He voiced his opposition to the proposed ordinance and expressed concerns that Torrance was becoming more like Chicago.

Newton Young, Hickory Avenue, stated that he was opposed to this proposal because it, like Measure T, was devised to favor incumbents and related his preference for a limit on campaign spending.

Responding to audience members' comments, Mayor Walker stated that limitations on personal loans were passed by the state legislature to prevent anyone from using his or her financial wealth to buy an election and he has supported the implementation of a parallel limitation in Torrance since the state legislation was passed because he believes it's in the City's best interest. He noted that most of those who spoke against this proposal were very vocal opponents of Measure T, however, the majority of voters disagreed with their position and approved Measure T by a vote of 67%.

Councilmember Witkowski voiced support for the proposed limitation, stating that she believed it would level the playing field for those running for elective office in Torrance. Relating her personal campaign experience, she explained that she loaned her campaign approximately \$15,000 in 1994 when she ran unsuccessfully and \$25,000 in 2000 when she was elected, in order to fulfill her longstanding goal of becoming a councilwoman, and it was a very difficult decision because she did not have a lot of disposable income. She expressed concerns that without the proposed limitation, a candidate's personal wealth could become an overriding factor and discourage those with limited resources from running for office.

Councilmember Lieu asked about the constitutionality of campaign spending limits, and City Attorney Fellows advised that a spending limit, by itself, would not be constitutional.

Councilmember Scotto stated that he was disappointed that the Mayor chose to introduce this item at the eleventh hour of the campaign and that he expected the Mayor's efforts to change the rules would continue until the election. He related his belief that most people would prefer that candidates spend their own money rather than accepting money from developers and other special interest groups who are seeking to influence how a candidate votes after being elected. He noted that the state legislature passed a \$100,000 loan limit, not \$30,000 as being proposed, and that Mayor Walker loaned his campaign \$100,000 in the last election. Indicating that he was very much in favor of voluntary campaign spending limits, he noted that the proposed ordinance does not limit campaign spending and only limits a candidate's ability to be reimbursed after the election.

Mayor Walker stated that he loaned his campaign a sizeable amount four years ago before the state legislation was enacted and had the \$30,000 lending limit been in effect, he would have accepted it as good, solid campaign reform as he accepts it now.

Councilmember Mauno stated that he tries to look at the long-term impact of decisions he makes as a councilmember, therefore, he was not looking at this issue from the standpoint of the upcoming election. He indicated that he strongly believes it would be in the nation's best interest if there were limits on campaign spending because there is an unfortunate trend in politics at all levels whereby only the rich can afford to run for elective office.

Councilmember Mauno voiced support for the proposed lending limit because it would encourage the disclosure of campaign contributors prior to an election. He explained that, currently, a wealthy candidate could loan his or her campaign a large sum of money to ensure victory and then repay the loan from contributions after the election when it's easier to raise funds and the proposed personal loan limitation would mean that funds would have to be raised before an election and the list of contributors would be available for public scrutiny before any voting takes place. He stated that he did not believe personal loans were intended to provide the majority of funding for campaigns, but rather to provide seed money.

In response to Councilmember Nowatka's inquiry, City Attorney Fellows confirmed that voluntary spending limits are constitutional and clarified that the proposed lending limits would not take effect until 30 days following the second reading of the ordinance.

Councilmember Nowatka voiced his opinion that personal campaign loans are a means of leveling the playing field because opposing candidates often have to put money into their campaigns in order to offset the tremendous fundraising advantage of incumbents. He stated that he was strongly opposed to this proposal, which was clearly directed at one person, who is in the middle of a campaign.

MOTION: Councilmember Nowatka moved to reject the proposed limitation on personal loans to finance campaigns. The motion was seconded by Councilmember Scotto and discussion continued.

Councilmember Lieu voiced support for the proposal, stating that it is fairly standard campaign finance reform, which is something he strongly supports. He noted that such legislation has been passed by California and several other states to prevent wealthy people from loaning themselves a lot of money to win an election and raising it all back afterwards.

Councilmember Witkowski offered the following substitute motion:

MOTION: Councilmember Witkowski moved to add a provision to the Torrance Municipal Code limiting the amount of money a candidate for city elective office may personally lend to his or her campaign. The motion was seconded by Councilmember Mauno and passed as reflected in the following roll call vote:

AYES:	Councilmembers Lieu, Mauno, Witkowski and Mayor Walker
NOES:	Councilmembers Nowatka and Scotto
ABSENT:	Councilmember McIntyre

ORDINANCE NO. 3668

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING A SECTION 5 TO ARTICLE 1 OF CHAPTER 7 OF DIVISION 1
OF THE TORRANCE MUNICIPAL CODE LIMITING THE AMOUNT OF
MONEY A CANDIDATE FOR ANY CITY OF TORRANCE ELECTIVE
OFFICE MAY LOAN TO HIS OR HER CAMPAIGN

MOTION: Councilmember Witkowsky moved for the adoption of Ordinance No. 3668. The motion was seconded by Councilmember Mauno and passed as reflected in the following roll call vote:

AYES: Councilmembers Lieu, Mauno, Witkowsky and Mayor Walker
NOES: Councilmembers Nowatka and Scotto
ABSENT: Councilmember McIntyre

MOTION: Councilmember Witkowsky moved to approve the publication of an ordinance summary. The motion was seconded by Councilmember Mauno and passed as reflected in the following roll call vote:

AYES: Councilmembers Lieu, Mauno, Witkowsky and Mayor Walker
NOES: Councilmembers Nowatka and Scotto
ABSENT: Councilmember McIntyre

11B. SUPPLEMENTAL HEALTH BENEFITS FOR TPOA, TPCA AND POLICE SAFETY MANAGEMENT

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution establishing an amount not to exceed \$855 per month for the City's supplemental health insurance plan for the Torrance Police Officers Association (TPOA), Torrance Police Commanders' Association (TPCA), and Police Safety Managers for the period beginning July 1, 2005.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2005-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING AN AMOUNT NOT TO EXCEED \$855 PER MONTH FOR THE CITY'S SUPPLEMENTAL HEALTH INSURANCE PLAN FOR THE TORRANCE POLICE OFFICERS' ASSOCIATION (TPOA), TORRANCE POLICE COMMANDERS' ASSOCIATION (TPCA), AND POLICE CAPTAINS AND DEPUTY CHIEF BEGINNING JULY 1, 2005

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-54. The motion was seconded by Councilmember Mauno and passed by unanimous roll call vote (absent Councilmember McIntyre).

11C. REVISION OF SALARY FOR AIR CONDITIONING AND HEATING TECHNICIAN

Recommendation

Recommendation of the **City Manager** that City Council adopt a supplemental Memorandum of Understanding Resolution for TME-AFSCME revising the salary of the Air Conditioning and Heating Technician, adding 10% to the grid.

Assistant to the City Manager Keane advised that staff was recommending the proposed salary increase to enhance recruiting efforts.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2005-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2003-99 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES – AFSCME, LOCAL 1117

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-55. The motion was seconded by Councilmember Mauno and passed by unanimous roll call vote (absent Councilmember McIntyre).

11D. TORRANCE POLICE OFFICERS ASSOCIATION MOU

Recommendation

Recommendation of the **City Manager** that City Council adopt a Memorandum of Understanding Resolution for the Torrance Police Officers Association (TPOA) for the period June 26, 2005 through December 31, 2008.

Councilmember Lieu commended City staff and TPOA for arriving at this agreement, which ensures that Torrance will continue to have one of the best police forces in the nation.

Miriam Dowdy, President of Torrance City Employees' Association, expressed concerns about the disparity in the package being offered to employees represented by her organization versus the package being offered to police officers. She noted that the proposed agreement gives police officers a 16% raise over three years plus a 1% signing bonus, while other employees have been offered packages which amount to less than 10% over the same period. She questioned why police officers were given a "signing bonus," relating her understanding that this was contrary to City policy. She noted that just a month ago the Council cut positions and programs to balance the budget, and this bonus, which amounts to \$282,000, would have helped close the gap. She stated that she does not begrudge police officers their raise because they have a difficult job, but wanted to remind the Council that behind every supervisor is a clerical staff performing vital functions and their cost of living is the same as police officers.

Mike Gaskins, Torrance City Employees' Association, echoed Ms. Dowdy's remarks about the critical role played by clerical employees and suggested that they deserve more than what's left over after negotiations with police and fire have been completed.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2005-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE POLICE OFFICERS' ASSOCIATION (TPOA), AND REPEALING RESOLUTION NO. 2003-170

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-56. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (Councilmember McIntyre).

11E. TORRANCE POLICE COMMANDERS' ASSOCIATION INTERIM MOU

Recommendation

Recommendation of the **City Manager** that City Council adopt an interim Memorandum of Understanding Resolution for Torrance Police Commanders' Association (TPCA) beginning June 26, 2005 and continuing until superseded by a successor bargaining agreement.

Assistant to the City Attorney Keane advised that police lieutenants recently formed their own representation unit (Torrance Police Commanders' Association) and the bargaining process is ongoing.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2005-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR
EMPLOYEES REPRESENTED BY THE TORRANCE POLICE
C9OMMANDERS' ASSOCIATION (TPCA)

MOTION: Councilmember Scotto moved for the adoption of Resolution No. 2005-57. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember McIntyre).

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The Council met as the Redevelopment Agency from 8:05 p.m. to 8:07 p.m.

15. SECOND READING ORDINANCES

15A. SECOND AND FINAL READING OF ORDINANCE NO 3667

Second and Final Reading of Ordinance No. 3667 amending Chapter 2 of Division 8 of the Torrance Municipal Code by repealing Articles 1 and 2 of Chapter 2, and by enacting new Articles 1 and 2, all of which adopt or amend the 2004 Edition of the California Electrical Code and the Uniform Administrative Code provisions for the National Electrical Code.

Item was withdrawn.

16. ORAL COMMUNICATIONS

16A. Councilmember Lieu noted that he was recently invited to speak at Navcom Technology, a high tech company involved in global positioning systems that moved to Torrance approximately 18 months ago, and wished them success in their business.

16B. Councilmember Mauno reported that he missed last week's Council meeting because he, along with other representatives of South Bay cities, met with California Public Utilities Commissioners in San Francisco to discuss the status of the 310 area code. He explained that the 310 area code is virtually out of phone numbers and the commission is considering whether to split or area code or have an overlay. He invited feedback from the public on this issue.

16C. Councilmember Scotto extended condolences to the family of Tom Marcotte, a dear friend who recently passed away after a five-year battle with lung cancer.

16D. Councilmember Witkowsky noted that she attended a tour of the Port of Los Angeles that was organized by the South Bay Council of Governments and reported on efforts to facilitate the movement of containers through the South Bay area via trucks and rail lines in order to ease traffic congestion.

16E. Councilmember Witkowsky congratulated the Torrance Historical Society on the 50's event held last Thursday, which was well attended and a lot of fun.

16F. Councilmember Witkowsky relayed reports from residents concerning speeding traffic and illegal turns in the vicinity of Vista Montana and Mesa, and City Manager Jackson offered to have staff check into this matter.

16G. Debbie Hays, President of the Torrance Historical Society, thanked everyone who attended and helped put on the 50's event held last Thursday to recognize Torrance's All American City award, noting that over 500 people attended. She announced upcoming events, including a Movie Under the Stars night featuring the film American Graffiti on Sunday, August 7, and an event honoring military heroes on Thursday, August 18, which will include USO-style entertainment and a contest for the best patriotically decorated non-motorized vehicle.

16H. Alan Lee, AFSCME International, challenged Councilmember Scotto to respond to questions posed in an anonymous e-mail and contended that he had a responsibility as a public official to respond to these allegations because the credibility of the City Council was at stake. He noted his disagreement with two homeowners association presidents who spoke at the previous meeting urging Councilmember Scotto not to dignify the unsigned e-mail with a response.

16I. Dee Hardison, 236th Street, expressed disappointment that speakers, such as Alan Lee, have been allowed to come to the podium and berate City staff and councilmembers. She noted that past councils treated each other with respect and disrespectful behavior at the podium was not tolerated.

16J. Newton Young, Hickory Avenue, stated that he was fed up with the actions of Mr. Lee and called for an end to this type of behavior.

16K. Mayor Walker responded that he would have liked to put an end to a lot of comments that have been made over the past several months, however, he believes people have a right to voice their opinions and he allows them their five minutes at the podium as long as they confine their remarks to those seated on the dais. He questioned the lack of complaints when a speaker made an obscene gesture at an earlier meeting. He stated that Mr. Lee has a right to speak on behalf of the employees his union represents and noted that the issue of the anonymous e-mail was originally raised by two homeowners association presidents, not Mr. Lee.

16L. Charles Deemer, Talisman Street, suggested that phone numbers could be conserved for the 310 area code by preventing people who do not reside or have companies in the area from obtaining phone numbers with this area code and by assigning a different area code to ATM machines and point of sale terminals.

Councilmember Mauno stated that Mr. Deemer had raised two valid issues, however, neither would solve the problem and invited him to be part of the group that is looking into this matter.

16M. Leo Lewis, Knolls Lodge Mobile Home Park, thanked the Fire Department and the Police Department for their efforts to force management to address slum-like conditions at the park. He reported that huge rent increases have forced seniors out of the park; that registered sex offenders, drug dealers and gang members have moved in; that management has acted unethically when residents have tried to sell their homes.

16N. Sandi Monda, questioned how Mr. Lee could challenge someone's integrity when the City employee group he represented failed to provide required annual financial statements.

Referring to the October 12, 2004 City Council meeting minutes, Ms. Monda challenged Mayor Walker to share how personal e-mail addresses were compiled for the distribution of e-mails in favor of Measure T.

16O. Mayor Walker stated that the e-mails in question were sent out by Supervisor Knabe, a retired firefighter, a police services officer and the president of the school board and city computers and city e-mails were not involved. He reported that the e-mail addresses were acquired from a firm that sells lists of addresses for marketing purposes and confirmed that he does not share addresses of e-mails that come to him as mayor with such firms or for any other purpose.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 8:51 p.m., the meeting was adjourned to Tuesday, July 26, 2005 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of
Lucile McDaniel Brown***

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on September 20, 2005